

105TH CONGRESS  
1ST SESSION

# S. 234

To direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1997

Mr. HELMS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To direct the Secretary of the Interior to transfer administrative jurisdiction over certain land to the Secretary of the Army to facilitate construction of a jetty and sand transfer system, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Oregon Inlet Protec-  
5       tion Act of 1997”.

6       **SEC. 2. FLOOD CONTROL IMPROVEMENTS.**

7       (a) IN GENERAL.—

1           (1) JOINT DESIGNATION.—Not later than 60  
2 days after the date of enactment of this Act—

3           (A) the Secretary of the Interior and the  
4 Secretary of the Army, acting through the Chief  
5 of Engineers, shall jointly designate tracts of  
6 land for the jetty and sand transfer system for  
7 the Oregon Inlet on the Coast of North Caro-  
8 lina, approximately 85 miles south of Cape  
9 Henry and 45 miles north of Cape Hatteras (as  
10 described on page 12 of the Report of the  
11 House of Representatives numbered 91–1665),  
12 authorized under the River and Harbor Act of  
13 1970 and the Flood Control Act of 1970 (Pub-  
14 lic Law 91–611; 84 Stat. 1818); and

15           (B) the Secretary of the Interior shall  
16 transfer administrative jurisdiction over the  
17 tracts of land referred to in subparagraph (A)  
18 to the Secretary of the Army.

19           (2) FAILURE TO JOINTLY DESIGNATE.—If the  
20 Secretary of the Interior and the Secretary of the  
21 Army fail to jointly designate the tracts of land re-  
22 ferred to in paragraph (1)(A) by the date that is 60  
23 days after the date of enactment of this Act, the  
24 Secretary of the Army shall designate the tracts of

1 land pursuant to a description prepared by the Sec-  
 2 retary of the Army, in consultation with the Chief  
 3 of Engineers, and shall provide notice to the Sec-  
 4 retary of the Interior of the designation. Upon re-  
 5 ceipt of the notice, the Secretary of the Interior shall  
 6 transfer administrative jurisdiction over the tracts of  
 7 land to the Secretary of the Army.

8 (b) SIZE.—

9 (1) LIMITS.—Except as provided in paragraph  
 10 (2), the quantity of acreage in the tracts of land re-  
 11 ferred to in subsection (a) shall not exceed—

12 (A) with respect to the tract in the Cape  
 13 Hatteras National Seashore Recreational Area,  
 14 65 acres; and

15 (B) with respect to the tract in the Pea Is-  
 16 land National Wildlife Refuge, 35 acres.

17 (2) EXCEPTION.—If the Secretary of the Army  
 18 and the Secretary of the Interior jointly designate  
 19 the tracts of land pursuant to subsection (a)(1)(A),  
 20 the area of each tract may exceed the acreage speci-  
 21 fied for the tract in paragraph (1).

22 (c) MODIFICATION OF SIZE IN EVENT OF FAILURE  
 23 TO JOINTLY DESIGNATE.—Notwithstanding subsection  
 24 (b)(1), if, after designating the tracts of land pursuant  
 25 to subsection (a)(2), the Secretary of the Army determines

1 that any tract is inadequate for the construction, oper-  
2 ation, and maintenance of a jetty and sand transfer sys-  
3 tem for the Oregon Inlet, the Secretary of the Army may  
4 designate, not earlier than 60 days after providing notice  
5 of a designation to the Secretary of the Interior under sub-  
6 section (a)(2), an additional tract of land adjacent to the  
7 inadequate tract.

○